

Scituate Board of Health Meeting
May 9, 2016
Scituate Town Hall – Selectman’s Hearing Room
6:00pm

MEMBERS PRESENT: Mr. Steven Pansey, Chairman
Mr. Russell Clark, BOH Member
Mr. Douglas Whyte, BOH Member

OTHERS PRESENT: Ms. Jennifer Keefe, Director, Public Health
Ms. Susan Tice, Health Department

Mr. Pansey opened the meeting at 6:00 PM

Acceptance of the Agenda

Scheduled Items:

Discussion: Draft Private Well Regulations

Ms. Keefe explained that it was time to revisit the draft private well regulations in order to finalize and promulgate them. She provided the Board members with the current draft to review all outstanding items and discuss the potential assistance the department might receive. She said that the department has relied on the MassDEP in part using their model BOH guidelines regarding private wells and more than a dozen towns to review their regulations and best practice regarding permitting, installing, usage and abandonment. The last time the Board discussed the regulations, it was recommended the Board review Pembroke and whether they test annually for nitrates, and New Hampshire’s Water Well Board for best practices because they have a statewide program instead of regionalized program. It was also recommended to review regulations from Danvers and Stoughton for their use restriction and Norwell for their abandonment process. She said she has done a lot of research on use restriction and most town regulations do not restrict use of private wells. It appears that there is one town that has a unique water restriction by-law. Middleton restricts usage for private well users in the same way as public water users. Most restrictions seem to be through by-laws instead of regulations.

Ms. Keefe stated that she had just received an email from the Massachusetts Groundwater Association that indicate MassDEP has been reviewing their current private well guidelines so they can issue updated guidance and model BOH regulations for towns based on current information. The Mass Groundwater Association has offered assistance to towns that are requesting their services in writing or reviewing local regulations. They indicated that they

would provide information regarding permitting, installation, usage and abandonment. Ms. Keefe said she considered the offer very timely for Scituate. She said the input from MassDEP along with the information from neighboring towns and the NH Water Well Board will make finalizing the private well regulations more expedient. She explained that restricting water use for private wells remains one of the greatest difficulties in the process because of the consideration of resident's property rights. Ms. Cook from the Water Resources Committee asked the Board members to consider conservation of water during this process by restricting water usage. Mr. Pansey asked if any Massachusetts towns were restricting water use from a private wells. Ms. Keefe said the only town she was aware of was Middleton. She said that private well users had to abide by the same restrictions as the residents using town water based on the by-law. Mr. Clark asked if residents that have private wells are required to test them. Mr. Pansey said they will once the Town's private well regulations are finalized. John McCue, a well driller, told the Board that if the well is in a Zone II or a watershed protection area, the well may be drawing from the public water supply but other than that, it is not drawing from the same aquifer. Mr. Clark said that private wells would not be approved in those areas because of setback regulations. Mr. McCue also stated that restriction use would infringe on private property rights. Ms. Keefe explained that she found a frequently asked questions section for a local company, Aquarion, which is the public water supplier for Hingham, Hull and North Cohasset. One of the questions was, "I use my own private well for irrigation. Do the restrictions apply to me?" The company states there are no restrictions for private wells. The apply to public water supply users. "Why is the water restricting in the first place?" The company response was that they must adhere to an annual water limit set by the MassDEP for public water withdrawal. So they do not restrict water usage for private wells unlike Middleton, which does so with a bylaw. Ms. Keefe said she understands both sides of the issue. Mr. Pansey asked Ms. Keefe what is expected to help resolve some of the questions. She stated that she expects to bring an updated draft to the next meeting for review.

The department has received some applications for private irrigation wells. Since there are no local regulations in place, we are issuing the permits. It will help moving forward to know where they are located. Mr. McCue recommended having irrigation and potable wells be tested annually. He suggested that irrigation wells be tested to the same degree that potable wells are because when children see a sprinkler system, they want to drink from it. There have been instances where children have become very sick from the water on the grass. Mr. McCue indicated there is a fine line when developing well regulations because some towns over regulate and owners will install wells in turn without your knowledge.

Mr. Pansey stated that they would discuss the draft regulations once Ms. Keefe heard from the State on the status of their guideline review.

Administrative Invoice Approvals

Other Business:

Ms. Keefe gave the Board members an update on the public forum that was held in Scituate called "In Pursuit of a Life Less Cluttered." She said it was very successful with 40 participants. They were a very active audience and the guest speakers were very dynamic. Scituate Community TV filmed the event for those who were not able to attend the event.

Mr. Clark discussed an event that caused 900,000 gallons of partially treated sewage to spill into the Herring River and was concerned about lack of notification to the public. Mr. Clark said he was concerned because he works in the water along with many residents and they were not made aware of the incident. Mr. Clark wanted to know what he and the other Board members could do to ensure that notification of incidents like these occur in a timelier basis. Ms. Keefe indicated it was her understanding that the release occurred on the Wednesday evening because of a computer and alarm failure. She said the release was discovered by the acting Superintendent for the Sewer Department on Thursday morning. He stopped the release and started the notification process to State and Federal agencies and immediately worked to fix the problem. Ms. Keefe said she will contact the Sewer and DPW departments to see what their protocol will be moving forward regarding notification to the public. Mr. Clark said he understood that accidents happen but the lack of communication upset him most since there are people out on the water every day of the year.

Meeting adjourned